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EXAMINER

SCHWARTZ, DARREN B

ART UNIT

PAPER NUMBER

2435

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/523,797	Applicant(s) PARK, SEUNG-BAE	
	Examiner DARREN SCHWARTZ	Art Unit 2435	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2008 and 04 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-32 and 40 is/are pending in the application.
- 4a) Of the above claim(s) 33-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-32 and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Species I in the reply filed on 04 December 2008 is acknowledged. The traversal is on the ground(s) that (1) the Species are all variants of each other and the independent claim 1 recites "[a] method of inputting a password for authentication, the method comprising displaying a matching board comprising a certain cell and a reference board comprising a cell on a user interface, and receiving the password corresponding to the certain cell of the matching board matched by a user with the cell of the reference board comprising a password symbol, to authenticate the received password." Applicant argues that this claim is a generic claim which encompasses Species II and III (2) Applicant further traverses as the Examiner has not indicated what different classes and/or subclasses Species I, II and III fall under. This is not found persuasive for the following reasons:

Regarding point (1), the Examiner disagrees as the applicant has failed to demonstrate how Species I is generic to Species II and Species III. Applicant's argument stating the three Species are all directed to methods of inputting a password for authentication using cell matching techniques is also unpersuasive. Species II and Species III each claim separate and distant subject matter of Species I.

MPEP 806.04(d) [R=3] Definition of a Generic claim

"In general, a generic claim should require no material element additional to those required by the species claims, and each of the species claims must require all the limitations of the generic claim.

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Once a generic claim is allowable, all of the claims drawn to species in addition to the elected species which require all the limitations of the generic claim will ordinarily be allowable over the prior art in view of the allowability of the generic claim, since the additional species will depend thereon or otherwise require all of the limitations thereof."

Claim 21 of species I is not generic to claims 24 and 39.

Regarding point (2), the MPEP states "For the purposes of the initial requirement, a serious burden on the examiner may be *prima facie* shown by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP § 808.02" (803 [R-3] II).

MPEP § 808.02 states:

"Thus the examiner must show by appropriate explanation one of the following: ... (C) A different field of search: Where it is necessary to search for one of the inventions in a manner that is not likely to result in finding art pertinent to the other invention(s) (e.g., searching different classes /subclasses or electronic resources, or employing different search queries, a different field of search is shown, even though the two are classified together. The indicated different field of search must in fact be pertinent to the type of subject matter covered by the claims. Patents need not be cited to show different fields of search."

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Species 1: Claims 21-32 and 40 associate with Figure 14.

Species 2: Claims 33-38 associate with Figure 43 [page 75] [¶221].

Species 3: Claim 39 associates with Figures 26 & 27 [page 34-35] [¶147].

The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.

The requirement is still deemed proper and is therefore made FINAL.

Response to Arguments

Applicant's arguments with respect to claims 21-32 and 40 regarding the prior art have been considered but are moot in view of the new ground(s) of rejection.

Claims 21-32 and 40 of Species I are examined, *infra*.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 21-24, 26-32 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Martino et al (U.S. Pat 5276314 A), as cited in the IDS dated 08 February 2005, hereinafter referred to as Martino.

Re claim 21: Martino teaches a method of inputting a password for authentication (col 3, lines 14-15), the method comprising:

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displaying a matching board [Fig 3, elements: A0, B1, C3, B2; Fig 4, elements: B2, A0, B1, C3] comprising a certain cell [Fig 3, element B1 and Fig 4, element B1] and a reference board [Fig 3, elements: D3, A1, D2, B0; Fig 4, elements: B0, D3, A1, D2] comprising a cell [Fig 4, elements: B2, A0, B1, C3, B0, D3, A1, D2, A3, C2, C1, D0, D1, A2, B3, CO] on a user interface (Fig 1, element 106; col 2, lines 46-51); and

receiving the password corresponding to the certain cell of the matching board matched by a user with the cell of the reference board comprising a password symbol, to authenticate the received password (col 3, lines 15-50).

Re claim 22: Martino teaches the receiving comprises receiving the password corresponding to a combination of the certain cell [Fig 4, element B1] of the matching board [Fig 4, elements: B2, A0, B1, C3] matched by the user with the cell of the reference board [Fig 4, elements: B0, D3, A1, D2] having the password symbol [Fig 3, element A1 and Fig 4, element A1] (col 5, line 55 - col 6, line 2), and the certain cell [Fig 3, element B1 and Fig 4, element B1] of the matching board [Fig 3, elements: A0, B1, C3, B2; Fig 4, elements: B2, A0, B1, C3] matched by the user with a second cell of the reference board comprising a second password symbol (Fig 4, elements: A1, C2, D1: col 5, lines 59-64).

Re claim 23: Martino teaches the displaying comprises displaying the matching board [Fig 3, elements: A0, B1, C3, B2; Fig 4, elements: B2, A0, B1, C3] comprising a plurality of cells and the reference board [Fig 4, elements: B0, D3, A1, D2] comprising a plurality of cell (Figures 3 and 4), and

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one or more other cells of the matching board is matched with corresponding one or more cells of the reference board comprising a symbol, concurrently with matching of the certain cell of the matching board with the cell of the reference board having the password symbol, so as to prevent revealing of a symbol of the cell of the reference board matched with the certain cell of the matching board as the password symbol of the user (col 2, lines 20-31; col 3, lines 14-29).

Re claim 24: Martino teaches removing one of the matching board and the reference board after a predetermined time from displaying the matching board and the reference board (col 5, lines 1-3 and lines 16-19).

Re claim 26: Martino teaches one of the matching board [Fig 3, elements: A0, B1, C3, B2; Fig 4, elements: B2, A0, B1, C3] and the reference board [Fig 4, elements: B0, D3, A1, D2] is moved with respect to the other so as to place the cells of the matching board adjacent to and match with the cells of the reference board (col 6, lines 3-10).

Re claim 27: Martino teaches:

the displaying of the reference board [Fig 4, elements: B0, D3, A1, D2] comprises displaying a first reference board comprising a plurality of cells having respective symbols, the first reference board including the cell having a symbol which is the password symbol of the user, and a second reference board [consider Fig 3, elements: C1, D0, A3, C2 and fig 4, elements: A3, C2, C1, D0] comprising a plurality of cells having respective symbols, the second reference board including a symbol which is a

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second password symbol [Fig 3, element C2 and Fig 4, element C2] of the user (Figures 3 and 4; col 5, lines 20-33),

the displaying of the matching board comprises displaying the matching board comprising the plurality of cells having respective symbols, the matching board including the certain cell having a symbol private to the user (col 5, lines 4-19), and

the first and second reference boards [Fig 3, elements: D3, A1, D2, B0, C1, D0, A3, C2] are moved with respect to the matching board so as to line up the password symbol and the second password symbol with the symbol of the matching board private to the user to enter the password (col 5, line 55 – col 6, line 10).

Re claim 28: Martino teaches one of the matching board and the reference board is moved with respect to the other so as to overlap to match the cells of the matching board with the cells of the reference board (col 5, lines 4-19 and col 6, lines 3-10)

Re claim 29: Martino teaches the displaying of the reference board comprises displaying the reference board [Fig 4, elements: B0, D3, A1, D2] comprising the plurality of cells having respective symbols (Abstract), the reference board [Fig 4, elements: B0, D3, A1, D2] including the cell having a symbol which is the password symbol [Fig 4, element: A1] of the user (col 5, lines 55-64),

the displaying of the matching board comprises displaying the matching board comprising the plurality of cells having respective symbols, the matching board including the certain cell having a symbol private to the user (Figures 3 and 4; col 5, lines 55-67), and

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the matching board is moved with respect to the reference board so as to overlap the cells of the matching board with the cells of the reference board, including the certain cell of the matching board having the symbol private to the user being overlapped with the cell of the reference board having the password symbol to enter the password (col 5, line 55 – col 6, line 10).

Re claim 30: Martino teaches:

the displaying of the reference board [Fig 4, elements: B0, D3, A1, D2] comprises displaying the reference board [Fig 4, elements: B0, D3, A1, D2] comprising a plurality of cells having respective symbols [Fig 4, elements: B0, D3, A1, D2], the reference board [Fig 4, elements: B0, D3, A1, D2] including the cell having a symbol which is the password symbol of the user (col 5, lines 55-64),

the displaying of the matching board comprises displaying the matching board comprising a plurality of cells having respective symbols, the matching board including the certain cell having a symbol private to the user (Figures 3 and 4; col 5, lines 55-67), and

the receiving of the password comprises receiving a password corresponding to a combination of the symbol of the matching board private to the user and the password symbol of the reference board privy to the user (Abstract; col 3, lines 30-50; col 5, lines 55-67).

Re claim 31: Martino teaches the displaying of the reference board [Fig 4, elements: B0, D3, A1, D2] further comprises displaying a second reference board [Fig 3, elements: C1, D0, A3, C2 and Fig 4, elements: A3, C2, C1, D0] comprising a plurality

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of cells having respective symbols, the second reference board [Fig 3, elements: C1, D0, A3, C2 and Fig 4, elements: A3, C2, C1, D0] including a cell having a second password symbol privy to the user [Fig 3, element C2 and Fig 4, element C2] (Abstract; col 3, lines 30-50; col 5, lines 55-67),

the displaying of the matching board further comprises displaying a second matching board comprising a plurality of cells having respective symbols, the second matching board including a cell having a second symbol private to the user (Abstract; col 3, lines 30-50; col 5, lines 55-67), and

the receiving of the password comprises receiving a password corresponding to a combination of the symbol private to the user and the password symbol, and a combination of the second symbol private to the user and the second password symbol (Abstract; col 3, lines 14-50).

Re claim 33: Martino teaches:

one or more other cells of the matching board [Fig 3, elements: A0, B1, C3, B2; Fig 4, elements: B2, A0, B1, C3] is matched with corresponding one or more cells of the reference board [Fig 3, elements: D3, A1, D2, B0 and Fig 4, elements: B0, D3, A1, D2], concurrently with matching of the certain cell of the matching board with the cell of the reference board having the password symbol (col 5, lines 55-64), so as to prevent revealing of the symbol of the cell of the reference board matched with the certain cell of the matching board as the password symbol of the user (Abstract; (col 2, lines 20-31; col 3, lines 14-29).

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Re claim 40: Martino teaches the symbols are one of numbers, characters, graphics, pictures, and a combination thereof (Figures 3 and 4 teach a display containing letters and numbers; col 6, lines 3-10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martino et al (U.S. Pat 5276314 A), as cited in the IDS dated 08 February 2005, hereinafter referred to as Martino, in view of Nguyen (U.S. Pat 7036091 B1), hereinafter referred to as Nguyen.

Re claim 25: Martino teaches the reference board is refreshed to display the one or more cells so as to match the cells of the matching board with the cells of the reference board (col 5, lines 20-33 and lines 55-67).

However, Nguyen teaches:

the response to the one or more cells of the reference board corresponding to the one or more other cells of the matching board not being displayed where one of the matching board and the reference board is moved with respect to the other (Figure 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Martino with the teachings of

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Nguyen, for the purpose of providing rotating dials on a user interface while best utilizing the user interface.

3. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martino et al (U.S. Pat 5276314 A), as cited in the IDS dated 08 February 2005, hereinafter referred to as Martino, in view of Pimpo (U.S. Pat 6021653 A), hereinafter referred to as Pimpo.

Re claim 25: Martino teaches the reference board is refreshed to display the one or more cells so as to match the cells of the matching board with the cells of the reference board (col 5, lines 20-33 and lines 55-67).

However, Pimpo teaches:

the response to the one or more cells of the reference board [Fig 1, ring: LMN] corresponding to the one or more other cells of the matching board [Fig 1, ring: OPQ] not being displayed where one of the matching board and the reference board is moved with respect to the other (Fig 1; col 5, lines 52-66; the Examiner notes the tumbler rings as shown in Figures 1, 3 and 6 contain one or more cells that are not being displayed when the board are moved with respect to the other).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Martino with the teachings of Nguyen, for the purpose of providing rotating dials on a user interface while best utilizing the user interface.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the text of the passage taught by the prior art or disclosed by the examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARREN SCHWARTZ whose telephone number is (571)270-3850. The examiner can normally be reached on 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571)272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. S./

Examiner, Art Unit 2435

/Kimyen Vu/

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Supervisory Patent Examiner, Art Unit 2435